

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 136

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO COUNTY JAILS; AMENDING SECTION 20-237A, IDAHO CODE, TO PROVIDE FUNDING FOR CERTAIN PROBATIONERS AND PAROLEES COMMITTED TO A COUNTY JAIL.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20-237A, Idaho Code, be, and the same is hereby amended to read as follows:

20-237A. FUNDING PER DIEM COSTS OF STATE PRISONERS HOUSED IN COUNTY JAILS, RELATED ADDITIONAL EXPENSES AND MANNER OF PAYMENT. (1) The board of correction shall pay each county for housing prisoners convicted, sentenced and committed to the custody of the state board of correction, including probationers and parolees committed to a county jail under section 20-219(7) (b), Idaho Code, beginning on the day after receipt by the director of notice that a person is in custody, as provided in section 20-237, Idaho Code.

(2) The state board of correction shall pay counties housing state sentenced prisoners a minimum rate of forty-five dollars (\$45.00) per day, per inmate. Nothing stated herein will prohibit the state board of correction from entering into a contract with a county pursuant to section 20-241, Idaho Code.

(3) In addition to payment of per diem costs as above provided, the state board of correction shall pay for all ordinary and necessary medical and dental expenses of state prisoners housed in county jails.

(4) As between themselves, the state board of correction and each of the counties will be responsible for their pro rata share of any property damages or personal injuries arising from the housing of state sentenced prisoners, which is attributable to their respective negligence or otherwise wrongful conduct. This provision shall not alter or affect any immunities or exceptions to governmental liability the state or counties may possess as to private persons pursuant to the Idaho tort claims act, chapter 9, title 6, Idaho Code.

(5) The legislature shall appropriate sufficient funds annually to the department of correction to make all payments to counties as required in this section.

(6) The county sheriffs shall bill the department of correction at least every sixty (60) days. The department of correction shall pay such bills within sixty (60) days of their receipt.

(7) The germane committees of the legislature shall review the costs of housing inmates in county jails every three (3) years beginning in 2004.